

#6/Election
002
12/9/02
SA**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on December 16, 2002.

Angela Gibson

Angela Gibson, Assistant to Gavin N. Manning

S660 0009
GNM/ob/ag

Paper No.: _____

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): SACKS, Abraham; RUGINA, Narcis; SACKS, Jeffrey L.; DAVIS, Harold R.; SPILCHEN, William

Title: SELF-STIFFENED WELDED WIRE LATH ASSEMBLY

Serial No.: 09/927544

Filed: 13 August 2001

Examiner: Jeanette E. Chapman

Art Unit: 3635

Date: 16 December 2002

Commissioner for Patents
Washington, D.C. 20231Official
FAX RECEIVED
DEC 16 2002
GROUP 3600

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action mailed on 15 November 2002.

The Examiner has requested election between Group I containing claims 1 through 36 and Group II containing claims 37 through 43. The Applicant elects Group I (claims 1-36) with traverse.

The Examiner alleges that the combination as claimed [in claim 37] does not require the particulars of the subcombination as claimed [in claims 1 and 8] for patentability. The Applicant submits that this is incorrect. Claim 37 recites a wire lath having all of the features set out in claim 8. Claim 37 clearly requires the particulars of the subcombination, as claimed, for patentability. The basic idea of attaching a wire lath to a building structure comprising a plurality of generally parallel framing members is well-known. The invention,

in this case, lies in the structure of the wire lath and, in the case of claims 37 to 43, in the combination of that wire lath structure with other elements of a building structure. Therefore, the Applicant submits that Groups I and II are not distinct according to the test set out in MPEP § 806.05(c).

The Examiner has further requested an election of species. The Examiner has identified five species which the Examiner alleges to be distinct. The Applicant elects the species of Figure 6 for further prosecution in the event that no generic claim is held to be allowable, currently claims 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 43 read on this species.

The Applicant looks forward to receiving further favourable action on this application.

Respectfully submitted,

By:


Gavin N. Manning

Registration No. 36,412

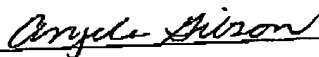
tel: 604.669.3432 ext. 224

fax: 604.681.4081

Vancouver, B.C.
CANADA

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on December 16, 2002.



Angela Gibson, Assistant to Gavin N. Manning

File No.: S660 0009
GNM/ag

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): SACKS, Abraham; RUGINA, Narcis; SACKS, Jeffrey L.; DAVIS, Harold R.;
SPILCHEN, William
Title: SELF-STIFFENED WELDED WIRE LATH ASSEMBLY
Serial No.: 09/927544
Filed: 13 August 2001
Examiner: Jeanette E. Chapman Art Unit: 3635
Date: December 16, 2002

AMENDMENT TRANSMITTAL

To: Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is a Response to Restriction Requirement.

- ☒ Please charge any fees in connection with this communication, including any filing fees under 37 CFR 1.16 for the presentation of extra claims and any patent application processing fees under 37 CFR 1.17, or credit any overpayment, to Deposit Account No. 02-1037.
- ☒ Please charge any deficiency in fees or credit any overpayment to Deposit Account No. 02-1037.

Respectfully submitted,
OYEN WIGGS GREEN & MUTALA

By: 

Gavin N. Manning
Registration No. 36,412
Tel. No.: (604) 669-3432
Fax No.: (604) 681-4081

OYEN WIGGS GREEN & MUTALAINTELLECTUAL PROPERTY LAWYERS
REGISTERED PATENT AND TRADEMARK AGENTS450 • THE STATION
801 WEST CORDOVA STREET
VANCOUVER, B.C., CANADA
V6B 1G1

PHONE: (604) 669-3432

FAX: (604) 681-4081

owgm@patentable.com
www.patentable.com

Official

PLEASE QUOTE
OUR FILE NO.

S660 0009

TRANSMITTAL SHEET

DATE: 16 December 2002

To: Commissioner for Patents
Washington, D.C.
20231

Re: Response to Office Action mailed 15 November 2002

Inventor(s): SACKS, Abraham; RUGINA, Narcis; SACKS, Jeffrey L.; DAVIS, Harold E.;
SPILCHEN, William

Title: SELF-STIFFENED WELDED WIRE LATH ASSEMBLY

Serial No.: 09/927544

Filed: 13 August 2001

Examiner: Jeanette E. Chapman Art Unit: 3635

Fax: 1-703-872-9326

From: Gavin N. Manning

FAX RECEIVED

DEC 16 2002

GROUP 3600

NO. OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 4

ENCLOSURES: TRANSMITTAL SHEET - 1 PAGE
RESPONSE - 2 PAGES

CONFIRMATION COPY: ☐ will follow by mail ☐ will follow by courier ☒ will NOT followIF TRANSMISSION PROBLEMS OCCUR, PLEASE
CONTACT ANGELA GIBSON AT (604) 669-3432 EXT. 208.

PLEASE NOTE: THIS TELECOPY IS DIRECTED IN CONFIDENCE SOLELY TO THE PERSON NAMED ABOVE. THE CONTENTS OF THIS TELECOPY MAY BE SUBJECT TO SOLICITOR-CLIENT PRIVILEGE. ALL RIGHTS TO THAT PRIVILEGE ARE EXPRESSLY CLAIMED AND NOT WAIVED. WE ARE AWARE THAT OCCASIONAL TRANSMISSION ERRORS OCCUR IN ROUTING TELECOPIED MESSAGES. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL TRANSMISSION TO US BY MAIL, OR DESTROY THE SAME, WITHOUT MAKING A COPY. THANK YOU.